

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Second Appeal No. 450 OF 2006

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Smt. V. A. Naik, J.
DATE : 6th April, 2007.

By this Second Appeal, the Zilla Parishad Wardha challenges the judgment and the decree passed by the District Judge, Wardha on 16th June, 2004 holding that the appellant was jointly and severally liable to pay an amount of Rs.65,000/- with interest @ 6% per annum to the plaintiff/respondent no.1. It is not in dispute that the plaintiff had deposited the entire auction money of Rs.65,000/-. The witness examined on behalf of the Zilla Parishad had also admitted before the trial Court that a part of the amount received by the Village Panchayat, Seloo as auction money from the plaintiff was handed over to the appellant Zilla Parishad. On the basis of the

evidence tendered by the parties, the appellate Court came to a conclusion that the accepted bid of the plaintiff was cancelled at the behest of the Zilla Parishad, as no sanction of the Zilla Parishad was obtained before accepting the bid of the plaintiff. The appellate Court held that the appellant had full control over the Village Panchayat, Seloo which actually held the auction and accepted the bid of the plaintiff. Considering the fact that the auction was cancelled by the appellant Zilla Parishad as also the fact that the Zilla Parishad had been paid a part of the auction money, the appellate Court rightly held that both the Zilla Parishad and the Village Panchayat, Seloo were jointly and severally liable to satisfy the claim of the plaintiff.

The findings recorded by the appellate Court are pure findings of facts which are based on a proper appreciation of evidence on record.

Since no substantial question of law arises

for consideration in this Second Appeal, the same is dismissed with no order as to costs.

JUDGE

APTE